

Fetal Alcohol Spectrum Disorders: Special Focus

FASD and the Justice System

People with alcohol-related brain damage are over-represented in our criminal system.

Individuals with FASD are susceptible to peer pressure, often act on impulse, and have poor judgment. They do not learn from their mistakes and cannot understand the consequences of their actions. These characteristics increase their chances of breaking the law at some point in their lives. In 1996, in a landmark study of more than 400 young people with FASD, psychologist Ann Streissguth found that 60% had trouble with the law. Shoplifting and theft were the most common transgressions. In addition, 50% of the study group had been confined in mental health facilities, drug and alcohol treatment facilities, or jail.¹

In the justice system, adolescents with FASD are more likely to be categorized as having Oppositional Defiant Disorder or Conduct Disorder, instead of experiencing brain damage from prenatal alcohol exposure.

Juvenile justice experts believe that as many as 1/4 of the young people in the court system have been prenatally exposed to alcohol.

Individuals with FASD do not understand or respond to the justice system as a developmentally normal person would.

Often, a person with FASD will pretend to fully understand the charges filed and the plea and sentence process. Also, he or she may not fully remember the details of an event that are often important to reach a verdict or may not understand the concepts of criminal intent or remorse.

There is little training for justice personnel about the characteristics of FASD. Police, court personnel and prison officials are not taught to recognize the behavioral and physical clues that would lead them to request a mental evaluation. They only see “bad” behavior and do not know that organic brain damage is the underlying cause.

FASD individuals do not respond to incarceration because they do not understand what they did was wrong and why they are being punished. Since they do not understand the consequences of their actions, they will not change their behavior after being sentenced to jail or a detention home. Alternative methods of treatment and behavior modification are required. A concerted effort must be made to educate legal professionals about effective methods of behavior change.

¹ Streissguth et al., *Understanding the Occurrence of Secondary Disabilities in Clients with Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE)*, Seattle, University of Washington, 1996